

REMARKS

Claims 2, 3 and 8 are pending. Claim 8 was not rejected on prior art. No claims are allowed.

The reference to the parent application has been corrected. Reconsideration is requested.

Claims 2, 3 and 8 were objected to and rejected under 35 USC 101 and 35 USC 112, second paragraph. Applicants have amended the claims to meet the objections in the manner suggested in the Office Action. The 35 USC 112, second paragraph rejections have been amended to delete objectionable language and to specify the V antigen proteins being claimed. Claim 2 has been amended to include pPAV13 as shown in Figure 1. Reconsideration is requested.

Claims 2, 3 and 8 were rejected under 35 USC 102(a) as anticipated by Motin et al (May 1994). Enclosed is a Declaration by Dr. Brubaker stating that Dr. Nakajima was not an inventor since he did not perform any of the research, but assisted in the preparation of the paper. The remaining authors are inventors. Thus Motin et al is not a reference. Reconsideration of this rejection is requested.

Claims 2 and 3 were rejected under 35 UC 102(b) as being anticipated by Perry et al (1986) describing the native V antigen. Claim 2 has been limited to the recombinant construct pPAV13 producing the truncated V

antigen protein linked to a fusion protein which is not described in Perry et al. Claim 3 has been amended to specify the recombinant fusion protein which is not described in Perry et al. Reconsideration is requested.

Claims 2-3 were rejected under 35 USC 102(b) as anticipated by Bergman et al (1991) describing the native V antigen. Claims 2 and 3 have been amended to call for the truncated recombinant V antigen linked to a fusion protein as discussed above which is not described in Bergman et al. Reconsideration of this rejection is requested.

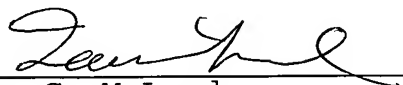
Claim 3 was rejected under 35 USC 102(b) as being anticipated by Watson et al (1998) relating to antibodies to the V antigen. Claim 3 has been amended to call for the truncated recombinant V antigen fusion protein as discussed above which is not described in Watson et al. Reconsideration of this rejection is requested.

Claims 2 and 3 were rejected under 35 UC 102(b) as anticipated by Straley et al (1986) also relating to the native V antigen. Claims 2 and 3 have been amended to call for the truncated recombinant V antigen fusion protein linked to a fusion protein as dicussed above. Reconsideration of this rejection is requested.

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It is now believed that Claims 2, 3 and 8 are
in condition for allowance. Notice of Allowance is
requested.

Respectfully,



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